

REVISED

STATEMENT OF PURPOSE

RS27799 / S1370

An inmate has sued the Board of Correction in federal court alleging a right to paid employment under Section 20-209, Idaho Code, for prisoners in custody of the Board of Correction. On October 31, 2019, a federal judge certified a question to the Idaho Supreme Court asking for the Supreme Court to determine whether the Board of Correction is required to provide employment for all prisoners under that law, and if so, what is the minimum the Board of Correction must do to implement that mandate. On November 26, 2019, the Idaho Supreme Court issued an order accepting the certified question. The question is now pending before the Idaho Supreme Court. This bill seeks to clarify that while the Board of Correction may provide employment to prisoners, that Section 20-209 does not create a right to employment. The bill includes an emergency clause so that it takes effect immediately upon enactment, making the state's policy clear to the courts in the pending cases.

FISCAL NOTE

This bill has no negative impact on the general fund. Indeed, if passed, the state would realize some small, but undetermined, savings from not having to further defend the language of Section 20-209 in court. If this bill is not passed and the Supreme Court interprets Section 20-209 finding a right to paid employment for each prisoner, that right could extend to all 9,500 prisoners in the custody of the Board of Correction, which would negatively affect the general fund. The size of the negative effect on the general fund would be determined by the Supreme Court in answering how the Board of Correction must implement the alleged mandate to provide employment to all prisoners in Section 20-209.

Contact:

Jared Larsen, Policy Advisor
Office of the Governor
Josh Tewalt, Director
Department of Corrections
(208) 854-3005

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).